



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

December 14, 2004

Wells

Mayor Lowry called the meeting to order at 7:30 pm.

PRESENT: Mayor Chuck Lowry, Councilmembers Betty Heckendorn, John Rose, Tom Robinson, Aaron Sharp, and Judee Wells.

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens, Water Department Supervisor Bob Durr, and Town Marshal Kyle Branum.

GUESTS: Chuck Thulin, WABA; Peter Justus, Eric Christofferson.

MINUTES: Councilmember Heckendorn moved to approve the November 9, 2004 minutes as written. Councilmember Robinson seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

CLERK'S REPORT: Clerk-Treasurer Spens reported that Suburban Cities Association (SCA) is asking for the Town's appointment to the newly created Public Issues Committee (described by Karen Goroski during her visit with the Council at last month's meeting). Mayor Lowry answered that this committee was discussed at the last Points Cities Mayors' Meeting and that one of the other cities has a representative who is eager to serve on this committee and willing to represent all five member cities. He added that he would get that person's name so that Clerk-Treasurer Spens can pass it on to SCA.

FRANCHISE WITH EASTSIDE DISPOSAL: Bob Durr gave a brief update on what he has learned about our existing franchise with Eastside Disposal and the tariffs set by the Washington State Utilities Commission that regulate solid-waste collection. He explained that the tariff applies to all affected entities unless two parties, e.g. a city and a disposal company, negotiate different rates and responsibilities that are mutually agreeable. He added that such negotiations commonly take up to seven years to finalize. He noted that Beaux Arts' rates are the same as for other cities of comparable size.

Councilmember Robinson suggested that we try to negotiate to get the same rates as Bellevue, since the service area we add is miniscule to that which comprises Bellevue. Mr. Durr answered that Bellevue currently enjoys exceptionally low rates but they are unlikely to get them in their next negotiation cycle.

WARRANTS: Councilmember Rose moved to approve the December 14, 2004 warrant list, including warrant numbers 6569 through 6595 in the amount of \$20,491.89. Councilmember Wells seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

MARSHAL'S REPORT: Marshal Branum reported that there was one car prowling in the Village in November. He added that this time the vehicle was locked and a window was broken to gain entry. He noted that this is the first time he knows of a locked car being entered and asked that the newsletter include an item describing the theft and reminding residents not to leave valuables in their cars overnight - even when the car is locked.

WABA REPORT: WABA representative Chuck Thulin reported that WABA has finalized a proposed budget for 2005 that it will be posting for review and approval at the Winter Dinner. He added that the membership would also review an amendment for indemnification clause for trustees.

Mr. Thulin announced that two trustees' terms end soon: President Rick Leider and Trustee At-Large Sally Jerome. He reported that John Sharp and Julia Morse have been nominated to replace them.

Mr. Thulin reported that WABA has begun discussing ongoing litigation in Executive Session and reported that there is no marked progress to date. He commented that the 2005 Budget includes an estimate of litigation costs for the year and that WABA will post notices to residents of the potential litigation.

WATER REPORT: Nothing to report.

EMERGENCY PREPAREDNESS: Councilmember Robinson reported that he discussed the idea of radios with Barb Graff of the Bellevue Fire Department. He stated that Ms. Graff advised against purchasing 850 MHz radios because they are expensive (\$2,000 to 3,000 each) and because in the hierarchy for use (of radios) during an emergency, the Town would be quite low on the list. He explained that Ms. Graff suggested looking at ham radios instead, since the ham radio network was the first back "online" after the Florida hurricanes and was instrumental in assisting the emergency response to that disaster. He added that another option for the short distances in Town would be the FRS walkie-talkies people use when skiing, camping, etc.

Councilmember Robinson noted that he also mentioned to Ms. Graff that the Town would be depending more on the Bellevue Fire Department as our lead agency in emergency response since we have backed out of the King County Planning Group. He suggested that, to further this effort, the Mayor appoint an Emergency Response Committee to develop our immediate response plan and that he (Councilmember Robinson) and Town Marshal Kyle Branum be on the committee. He added that the committee should focus on three types of emergencies -- storms, earthquakes, and fire -- and noted that Barb Graff agrees that these are the top concerns for Bellevue also. Mayor Lowry agreed to consider other names to add to this list.

LANDSCAPE STRUCTURE ON MOLBAK PROPERTY: Eric Christofferson, 10210 SE 28th Street, appeared before the Council to ask for help with a code-enforcement issue related to the construction project underway on the Molbak's property. He described the situation as

follows: In June of 2004, the Molbaks appeared before the Board of Adjustment seeking a variance to construct a landscape feature, consisting of a wall with water running down its face into a pool at its base, in the setback of their property next to the property line they share with the Christoffersons. Prior to appearing before the Board, the Molbaks presented their proposal to the Christoffersons -- a proposal that Mr. Christofferson claims depicted a 6-foot wall. After the Board granted their request for variance, the Molbaks began construction, and at some point, the height of the wall was increased to 8 feet. Mr. Christofferson complained to Building Official Willis, who reviewed the plans and the site. Mr. Willis then reported to Mr. Christofferson that the Town's Zoning Code allows fences to be built up to 8-feet tall in the setback and that the wall in question fits the definition of a fence so he (Building Official Willis) was unable to issue a stop work order as there is no violation. Mr. Christofferson asked the Town Attorney to review and comment on the situation but has not received a reply to that request.

Mr. Christofferson asked the Town Council to review his written complaint asking the Town Council to cause the Building Official to enforce the Town's Zoning Code with respect to the Molbaks' project.

After some discussion, it was the consensus of the Council that this matter should be referred to the Town Attorney for his review and legal opinion.

SPEED HUMPS NEAR 5-CORNERS: Peter Justus, 10555 SE 28th Street, appeared before the Council to ask formally that the speed humps near his home be reviewed for compliance with the Town's standard shape. He explained that his car clears most of the speed humps in Town without any problem but has difficulty clearing several of the humps if he has a passenger in his car. He stated that he is concerned that his car will be damaged by one of these humps in the future. Councilmember Sharp noted that he had just learned of this situation from Mr. Justus and will have to investigate further before he can recommend action. He explained that he plans to ask Bill Beck to compare the "problem humps" with the template and correct any and all that need attention. He added that if the "problem humps" match the template, then we may need to consider modifying the template.

PRELIMINARY REVIEW OF ZONING CODE AMENDMENTS WITH PLANNING COMMISSIONER DENNIS CASEY: Mayor Lowry opened the discussion by thanking Planning Commissioner Casey for the hard work that the Planning Commission has accomplished in the last year on this and other tasks. He then asked Mr. Casey to summarize the changes proposed by the Planning Commission.

Mr. Casey began by noting that the Planning Commission was asked to examine three areas of concern in the current Zoning Code: allowable building height and the measurement thereof, determination of existing grade, and placement of landscape structures in the setbacks.

Mr. Casey then stated that, after much discussion, the Planning Commission has decided to recommend that the Zoning Code be amended to state that structures may not exceed some maximum height at any point on the property. He commented that this would cause new

structures to follow the contours of the property rather than allowing a structure built on a sloping property to be over the maximum at one end provided the average height of the structure did not exceed the maximum of 30 feet above existing/finished grade. He noted that the Planning Commission also recommends that applicants be required to submit a topographic survey (showing that the structure height complies with the maximum) if their project constitutes a major remodel or new construction.

Mr. Casey stated that the Planning Commission was also concerned about the potential use of extensive excavating to change the contours of a property significantly so they are discussing the added requirement that applicants must notify the Town if they plan to add or remove more than 50 cubic yards of fill to/from the site.

Councilmember Rose asked how many existing homes would become non-compliant by this new 30-foot maximum height. Mr. Casey answered not many and stressed that only projects for new construction or major remodels would have to comply. He added that larger projects are expected to bring existing non-conformities into compliance with the Zoning Code already.

Councilmember Sharp asked if enacting this type of height restriction would tend to encourage more flat-roof houses. He noted that in other cities with a simple maximum height builders often build flat-roof structures in an effort to maximize the volume of the living space. He added that some cities have passed rules that allow increasing structure height as the distance from the setback increases, thus encouraging sloped roofs. Mr. Casey answered that the Planning Commission did not consider that question but would be willing to discuss the idea.

Councilmember Sharp suggested that the Planning Commission also look at exempting eaves from the setback requirements so that the setback applies to the vertical surfaces of the structure. He explained that by including eaves in the setback requirements, the code tends to encourage people to build homes with minimal to no eave overhangs.

Councilmember Wells suggested that single-story structures be exempt from the requirement to submit a topographic survey, so that owners of smaller homes could be spared the added expense if there is no chance that their structure will even meet the maximum height much less exceed it.

Planning Commission Casey then moved on to a discussion of landscape features in the setbacks. He explained that the Planning Commission had focused on exempting the type of features that owners have placed in their setbacks already, e.g. ponds, small fountains, arbors, trellises, etc. since those are the types of features that seem reasonable to allow without a variance.

Councilmember Rose asked if the maximum fence height would remain at eight feet. Mr. Casey answered that the Planning Commission did not discuss changing that regulation, but that in looking at the Molbak situation, perhaps they should. Councilmember Wells suggested that the Planning Commission consider allowing fences up to six feet without a permit but

requiring a permit and variance for any fence taller than 6 feet up to 8 feet.

Mayor Lowry suggested that the Planning Commission consider limiting the width of trellises. Councilmember Rose suggested that if ponds are to be exempted, they be explicitly stated as such.

Planning Commissioner Casey thanked the Council for their extensive input. He stated that the Planning Commission would discuss these ideas at their next meeting and forward a final draft of the revised Zoning Code to the Council with their recommendations for action.

PROPOSED 2005 BUDGET: Mayor Lowry asked Clerk-Treasurer Spens about changes made to the budget worksheets since last month's meeting. Clerk-Treasurer Spens reported that the proposed 2005 budget incorporates the changes discussed at the November meeting.

MOTION: Councilmember Rose moved to approved Ordinance No. 329 adopting a budget for 2005 and setting the salary range for the Clerk-Treasurer of the Town for 2005. Councilmember Heckendorn seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

PROPOSED 2004 BUDGET AMENDMENT: Clerk-Treasurer Spens reminded the Council that action on this ordinance must be delayed until next Wednesday, December 22 to meet public-hearing posting requirements. She then explained that she had made minor revisions to fund expenditures after tallying up the warrants approved tonight and what she expects to present as December 31, 2004 warrants next month.

Councilmember Sharp asked if we should have a comprehensive survey of the Town's trees and what such a survey might cost. Councilmember Wells noted that the tree committee is looking at the best places to plant trees over the next few years and suggested that they might be able to do the needed legwork.

Councilmember Sharp commented that he thinks we should establish a standard for our trees to maintain them in their current condition or better. Councilmember Robinson suggested that we could use a multi-year approach in the same way we prepare the Six-Year Transportation Improvement Program.

PROPOSED RESOLUTION NO. 216 AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH KING COUNTY RELATING TO LAW ENFORCEMENT SERVICES: Clerk-Treasurer Spens reported that the King County Sheriff's Office is asking all of their contracting cities to amend their respective interlocal agreements for police services to include a provision for arson investigation services. She added that Town Attorney Stewart has recommended that action on this item be tabled until the January meeting so that he can review the documents.

PROPOSED RESOLUTION NO. 217 AUTHORIZING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT FOR THE HOUSING OF INMATES BY YAKIMA DEPARTMENT OF CORRECTIONS: Clerk-

Treasurer Spens explained that the purpose of this second amendment to the existing Interlocal Agreement between the named cities and towns and the Yakima Department of Corrections is to provide relief to those cities that have made commitments for a minimum number of inmate beds. She added that Beaux Arts has no such commitment but suggested that we should participate as a named party to the agreement and in support of our partners in the agreement. She stated that Town Attorney Stewart agrees that the Council should act to adopt this resolution and execute the interlocal amendment.

As a housekeeping item, this resolution is hereby renumbered to Resolution No. 216 due to the tabling of the previous agenda item.

MOTION: Councilmember Robinson moved to adopt Resolution No. 216 authorizing the Mayor to execute a Second Amendment to the Interlocal Agreement between Yakima County and the named Cities and Towns for the Housing of Inmates. Councilmember Heckendorn seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

MAYOR AND COUNCILMEMBER REPORTS:

NEW STREET SIGNS: Councilmember Sharp reported that he met with the original committee members to discuss solutions for the house-logo confusion. He explained that the group came up with three ideas: (1) extending the lines that form the roof to make the "X" larger, (2) altering the roof line, and (3) eliminating the house-logo entirely. He showed the Council a test sign made to illustrate the first idea and reported that he will install it later this week. He asked Clerk-Treasurer Spens to contact the police and fire departments and ask them to look at and comment on the revised sign. He added that if this first alteration fails to eliminate confusion, he would try the second and so on until the confusion is ended.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that their next meeting is scheduled for Wednesday, December 22, 2004 at Mayor Lowry's house and that their January meeting is scheduled for January 11, 2005 at Councilmember Heckendorn's house.

ADJOURN: Councilmember Wells moved to adjourn the meeting at 10:00 pm. Councilmember Robinson seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

After adjourning the regular meeting, the Council convened a brief Executive Session to discuss personnel matters.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer